

REMARKS

Claims in the Application. Claims 4, 15, 16, 26 and 28 have been cancelled from this application. Claims 1, 5, 6, 17-19, 21, 24, 27, 29-30, 39, 45, 47 and 48 have been amended. Accordingly, Claims 1-3, 5-14, 17-25, 27 and 29-48 are active in the application. Reconsideration is respectfully requested.

Examiner's Rejection Over Dawson and Kerver. The Examiner has rejected Claims 1-3, 5-7, 9, 12, 13, 27, 29-31, 33, 36, 37, 42-43, 45-47 and 48 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,624,795 ("Dawson") in view of U.S. Patent No. 3,481,400 ("Kerver"). It is believed that the amendment of the claims obviates the need for discussion of this rejection.

Examiner's Rejection Over Dawson, Kerver and Tertiary References. The Examiner has also applied the following grounds of rejection:

- (a.) Claims 8, 32 and 41 under 35 U.S.C. 103(a) as being unpatentable over *Dawson* in view of *Kerver* and further in view of U.S. Patent No. 4,752,404 ("Burns");
- (b.) Claims 10 and 34 under 35 U.S.C. 103(a) as being unpatentable over *Dawson* in view of *Kerver* and in further view of *Mumallah*;
- (c.) Claims 14, 17-18, 20, 21, 24-26, 38, 39, 40 and 44 under 35 U.S.C. 103(a) as being unpatentable over *Dawson* in view of *Kerver* and in further view of European Patent Application Publication No. EP 0275624 ("Jacobs");
- (d.) Claim 19 under 35 U.S.C. 103(a) as being unpatentable over *Dawson* in view of *Kerver* in further view of *Jacobs* in further view of *Burns*; and
- (e.) Claim 22 under 35 U.S.C. 103(a) as being unpatentable over *Dawson* in view of *Kerver* in further view of *Jacobs* and *Burns* in further view of *Mumallah*.

It is believed that recitation to the concentration of lactic acid and lactic acid salt in the fracturing fluid in each of the amended claims addresses the concerns raised by the Examiner.

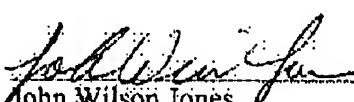
Objection to the Claims. The Examiner, in paragraph 8 of the Office Action, has objected to Claim 26 under 37 CFR 1.75(e). Claim 26 has now been cancelled from the application.

Rejection of Claims Under 35 USC 112. The Examiner has rejected Claim 45 under the first paragraph of 35 USC 112. The Examiner's rejection is not understood. Lines 5-13 of page 6 of Applicant's specification references polyacrylamide "having substantially less than 1% of the acrylamide groups in the form of carboxylate groups" as well as partially hydrolyzed

polyacrylamide; an "acrylamide polymer having at least 1%, but not 100%, of the acrylamide groups in the form of carboxylate groups". Claim 45 (amended to include proper antecedent basis to Claim 12) is directed to one embodiment referenced in the paragraph relied upon by the Examiner. Reconsideration of the rejection is therefore requested.

The Examiner has further rejected Claims 19-22, 24-26, 45, 47 and 48 under the second paragraph of 35 USC 112. Applicant has cancelled Claim 26 and amended Claims 19, 21, 24, 45, 47 and 48. It is believed that these amendments address the concerns raised by the Examiner. Conclusion. Applicant has addressed each of the issues raised by the Examiner in the Final Rejection. Issuance of a Notice of Allowance is therefore respectfully requested.

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John Wilson Jones
Registration No. 31,380

JONES & SMITH, LLP
2777 Allen Parkway
Suite 800
Houston, Texas 77019
Telephone: (713) 528-0148
Fax: (713) 893-6076

CERTIFICATE OF TRANSMISSION, 37 C.F.R. § 1.6(d)

I hereby certify that this correspondence is being transmitted by facsimile, 571 273-8300, to Examiner Timothy Kugel c/o Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450 on this the 16th day of November 2006.


John Wilson Jones